WYCQ, INC.
P.O. Box 150846
Nashville, TN 37215-0846

July 22, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, DC 20554

Re: Comments of WYCQ, Inc.
in MM Docket No. 96-120,FCC 96-236,
Grandfathered Short-Spaced FM Stations

Dear Mr. Caton:

WYCQ, Inc., hereby encloses an original and four (4) copies of its Comments in MM Docket No. 96-120, RM-7651, FCC 96-236, regarding Grandfathered Short-Spaced FM Stations. In its Comments, WYCQ, Inc., advocates that the Commission adopt Proposal 2 specified in its Notice of Proposed Rule Making in this matter.

If there are questions regarding this matter, please contact the undersigned at the above address.

Sincerely,

Bayard H. Walters
President, WYCQ, Inc.

Enclosures

Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Grandfathered Short-Spaced	)	MM Docket No. 96-120
FM Stations	)	RM-7651
	)	

COMMENTS OF WYCQ, INC.

WYCQ, Inc., licensee of WMMU(FM), Shelbyville, Tennessee (hereinafter "WMMU"), hereby respectfully submits its Comments in response to the Notice of Proposed Rule Making, MM Docket No. 96-120, FCC 96-236 (released June 14, 1996) in the above-referenced matter.[1] Pursuant to Proposal 2 in the instant proceeding, the Commission proposes to eliminate both the second and third-adjacent channel spacing requirements which currently restrict improvement opportunities for "pre-1964 grandfathered short-spaced stations" (hereinafter "grandfathered short-spaced stations"). In these Comments, WMMU supports the Commission's proposal to eliminate those requirement. Eliminating second and third-adjacent channel spacing requirements for grandfathered short-spaced stations would serve the public interest by providing increased flexibility to grandfathered short-spaced stations seeking to increase service to their community of license by modifying their stations' facilities. In support whereof, the following is shown:

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1. These Comments are timely filed pursuant to the Comment date established in the Notice of Proposed Rule Making.

WYCQ, Inc., is the licensee of Class C1 station WMMU(FM), Channel 275C1, Shelbyville, Tennessee. WMMU is grandfathered for short-spacing to station WKDF(FM), Channel 277C, Nashville, Tennessee ("WKDF"), as a result of rule changes adopted in Docket 14185. First Report and Order, 33 FCC 309, 335-336 (1962); Fourth Report and Order ("Grandfather Order"), 40 FCC 868 (1964). Through the Grandfather Order, the Commission enacted rules which prohibit grandfathered stations from any modification of their facilities which would extend their 1 mV/m contour toward a short-spaced station. However, that Order relieved grandfathered stations from the responsibility of adhering to the spacing requirements which protect second and third-adjacent channel stations. Later, when the Commission eliminated this exemption, Second Report and Order ("Modification Order"), MM Docket 86-144, 2 FCC Rcd 5693 (1987), WMMU was essentially barred from making any improvements to its facilities to better serve the public interest.

The second and third-adjacent channel restrictions on grandfathered stations have disserved the public interest. Due to these restrictions, grandfathered stations have been prevented from modifying their facilities to improve their service to the public in their communities of license, and some have even been prevented from maintaining existing service levels as other, non-grandfathered stations have either instituted new service or made modifications to their facilities. WMMU is an perfect example of this dilemma.

WMMU is currently barred by the second and third-adjacent channel spacing requirements and its short-spacing to WKDF from modifying WMMU's facilities to provide greater public service to its community of license, Shelbyville, Tennessee. As such, WMMU

is barred, due to the burden of protecting WKDF and any other second and third-adjacent channel station that might subsequently be licensed, from operating its station at the maximum facilities for a class C1 station. Conversely, if that burden were removed, WMMU could modify its facilities to provide the maximum service of its station to its community of license. In light of the potential public interest benefits to the FM service generally[2] and to WMMU specifically, WMMU advocates that the Commission adopt Proposal 2 in this proceeding.

The situation of WMMU in Shelbyville provides an excellent case in point as to the wisdom of such an approach. The Technical Report and associated Engineering Exhibit of Charles M. Anderson attached hereto as Exhibit A fully illustrate the limitations placed on grandfathered short-spaced stations seeking improvements which would, via modifying of their facilities, be able to provide increased service to the public in the absence of the requirements to protect second and third-adjacent channels. By avoiding the necessity to protect second and third-adjacent channels, WMMU would be able to improve its facilities to the full power permitted to its class by moving to a maximum 100 kW/299 meters HAAT class C1 facility, thus providing additional service to 1,884 square kilometers and, more importantly, 45,002 additional members of the public. Moreover, no interference effect to or from WKDF as a result of such an improvement is anticipated. Thus, adoption of Proposal 2 would serve the public interest in the case of WMMU and all similarly situated grandfathered short-spaced stations, and WMMU advocates its adoption by the Commission.

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2. The anticipation of these public interest benefits are bolstered by the fact that the Commission has noted that between 1964 (when the stations implicated in this proceeding were grandfathered) and 1987 (when the second and third-adjacent channel protection requirements were placed on those stations), there was a dearth of interference complaints despite the absence of such restrictions.

CONCLUSION

For the foregoing reasons, the Commission should adopt Proposal 2 in its Notice of Proposed Rule Making in the Matter of Grandfathered Short-Spaced FM Stations proposing to eliminate both the second and third-adjacent channel spacing requirements for grandfathered short-spaced stations.

Respectfully submitted,

WYCQ, INC.

By: _____
Bayard H. Walters,
Its President

WYCQ, INC.
P.O. Box 150846
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(615) 361-7560

July 22, 1996

EXHIBIT A

TECHNICAL REPORT

This technical report has been prepared in support of comments in MM Docket No. 96-120 on behalf of WYCQ, Inc., licensee of WMMU on channel 275C1 at Shelbyville, TN. WMMU is short spaced to station WKDF on channel 277C at Nashville, TN, and is presently limited to 100 kW at 247 meters HAAT -- less than the maximum for its class C1 status due to the short spacing to WKDF. Exhibit E-1 demonstrates that no other spacing problems exist.

WMMU is a 1964 grandfathered short spaced station and, as such, would benefit from the Commission's proposed elimination of the second and third adjacent channel spacing requirements for grandfathered stations. Consequently, WMMU supports the Commission's proposal to eliminate the spacing requirements.

An analysis of the existing WMMU coverage area and that which would result from a maximum 100 kW/299 meters HAAT class C1 facility shows that the area served would increase by 1,884 square kilometers (+13%), and the population served would increase by 45,002 (+4.3%). Clearly, these increases in service area would provide a significant public interest benefit. Furthermore, the increased HAAT would enable WMMU to better overcome some shadowing effects which presently affect the signal in some areas within the existing 60 dBu service area.

No interference effect is anticipated to or from WKDF as a result of the improvement which Docket 96-120 would afford WMMU. WMMU nor WKDF presently experience significant adjacent channel interference effects. Furthermore, the selectivity of modern FM receivers significantly diminish the need for these restrictions.

CHARLES M. ANDERSON BROADCAST CONSULTANT

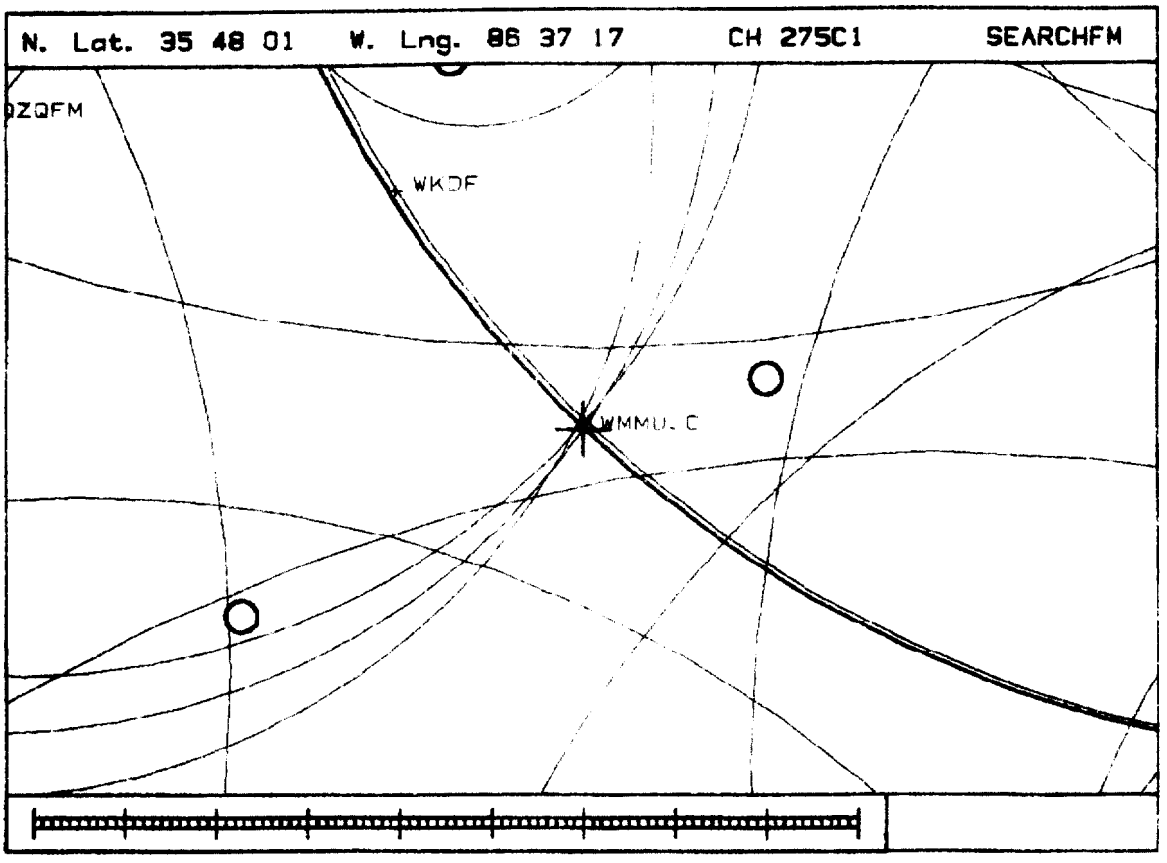

EXHIBIT E-1

Call	CH#	Location		D-KM	Azi	FCC	Margin
WMMU	275C1	Shelbyville	TN	0.00	0.0	245.0	-245.00
WMMU.C	275C1	Shelbyville	TN	0.00	0.0	245.0	-245.00
WKDF	277C	Nashville	TN	33.21	322.0	105.0	-71.79
AP274	274A	Tompkinsville	KY	132.96	43.3	133.0	-0.04
WQZQFM	273C2	Dickson	TN	78.97	305.5	79.0	-0.03
ALOPEN	274A	Tompkinsville	KY	132.99	43.4	133.0	-0.01
AP274	274A	Tompkinsville	KY	133.18	43.4	133.0	0.18
WQZQFM	273C1	Dickson	TN	82.44	311.9	82.0	0.44
WQZQFM	272A	Dickson	TN	75.75	297.2	75.0	0.75
AP274	274A	Tompkinsville	KY	133.80	43.5	133.0	0.80
WKXX	275A	Attalla	AL	206.07	169.3	200.0	6.07
WLME	275C3	Connelton	IN	219.97	0.3	211.0	8.97
WXKI	276A	Moulton	AL	150.74	201.5	133.0	17.74
WBDX	274A	Trenton	GA	152.57	132.7	133.0	19.57
WDRZFM	276C2	Etowah	TN	180.07	101.7	158.0	22.07
WQQK	221A	Hendersonville	TN	56.40	347.9	22.0	34.40
WMXXFM	276C2	Jackson	TN	198.24	262.4	158.0	40.24
WGRKFM	276A	Greensburg	KY	189.79	91.0	133.0	56.79
WXJJ.C	275A	Mount Vernon	KY	283.69	47.2	200.0	83.69
WFXS	272A	Soddy-Daisy	TN	143.02	117.7	75.0	68.02
WEUPFM	221A	Minor Hill	TN	91.18	214.4	22.0	69.18
WEUPFM	221A	Minor Hill	TN	91.18	214.4	22.0	69.18
ALOPEN	273C3	Crossville	TN	148.29	79.9	76.0	72.29
KEZSFM	275C1	Cape Girardeau	MO	317.81	305.1	245.0	72.81
WSWJ	273A	Crossville	TN	148.25	79.9	75.0	73.25

CERTIFICATION

Charles M. Anderson hereby certifies that;

His qualifications in broadcast allocation matters are a matter of record before the Federal Communications Commission having been presented and accepted on many oocasions in the past;

That he holds a lifetime General Radiotelephone license (#PG-6-7352) , a bachelors degree in the physical sciences from Western Kentucky University, and advanced degrees from the University of North Carolina and Indiana University;

That the accompanying technical report and exhibits were developed by him personally or under his immediate supervision and that all the information presented therein is true and correct to the best of his knowledge and belief.

/s/ Charles M. Anderson

July 21, 1996